

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

WEDNESDAY, THE 16TH DAY OF SEPTEMBER 2015/25TH BHADRA, 1937

Bail Appl..No. 5423 of 2015 ()

**CRIME NO. 564/2015 OF PERINGOME POLICE STATION,
KANNUR DISTRICT**

PETITIONERS/ACCUSED NO.1 TO 4,6 AND 7 :

- 1. RAFEEK K. AGED 34 YEARS,
S/O. ASEES, SAINABA MANZIL, KOLAYATH HOUSE,
ETTUKUDUKKA P.O., KANNUR DISTRICT.**
- 2. P.PRAVI, AGED 37 YEARS,
S/O. NARAYANAN, PUTHUPURAYIL HOUSE,
PEROOL KIZHAKKEKARA, MATHAMANGALAM, KANNUR DISTRICT.**
- 3. ANEESH K., AGED 37 YEARS,
S/O. KUNJIKRISHNAN, KOKKODAN HOUSE, PARATHODE,
MATHAMANGALAM, KANNUR DISTRICT.**
- 4. MUKESH V.V., AGED 25 YEARS,
S/O. LAKSHMANAN P.V., VIRAKAN VALAPPIL HOUSE,
PURAKUNNU P.O., KANNUR DISTRICT.**
- 5. BIDHEESH, AGED 28 YEARS,
S/O. BALAN, THAZHATHUVALAPPIL HOUSE,
PEROOL KIZHAKKEKKARA, KANNUR DISTRICT.**
- 6. SUBASH K.V., AGED 28 YEARS,
S/O. BALAN, KOLIVEETIL HOUSE, MOODENGA,
PANAPPUZHA, MATHAMANGALAM, KANNUR DISTRICT.**

BY ADV. SRI.I.V.PRAMOD

RESPONDENT/COMPLAINANT/STATE :

**STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-682031.**

BY PUBLIC PROSECUTOR SMT. T. Y. LALIZA

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 16-09-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

bp

A.HARIPRASAD, J.

B.A No.5423 of 2015

Dated this the 16th day of September, 2015.

ORDER

Application for bail under Section 439 Cr.P.C.

2. Petitioners are accused Nos.1 to 4, 6 and 7 in Crime No.564/2015 of Peringome Police Station registered for offences punishable under Sections 143, 147, 148, 323, 324, 326 and 307 r/w Section 149 I.P.C.

3. Heard the learned counsel for the petitioners and the learned Public Prosecutor.

4. Prosecution case, in short, is that on 25-06-2015 at about 17.15 hours, one person hired an auto rickshaw driven by the defact complainant. He was taken to another place and he was made to stop the auto rickshaw. At that time, the accused persons armed with deadly weapons attacked him with intention to commit murder. The defacto complainant sustained grave injuries.

5. Learned counsel for the petitioner submitted that the

fifth accused was released on bail by this Court as per order in bail application, B.A No.5027 of 2015 on 20-08-2015. As these petitioners were involved in other crime, their application for anticipatory bail was rejected. They surrendered before the Circle Inspector of Police on 24-08-2015. Thereafter, they remained in custody. Learned Public Prosecutor contended that since there is a likelihood of breach of peace in the area as the accused and the defacto complainant belonged to different political outfits, safeguard must be provided in the event of releasing the petitioners on bail. Considering the facts and circumstances of the case, I find that bail can be granted to the petitioners with following strict conditions :

1. The petitioners shall be released on bail on executing a bond for Rs.50,000/- each (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate having jurisdiction.
2. The sureties shall produce documents to establish their identity and solvency. The learned Magistrate need not insist on the solvency certificate, but other documents can

also be perused to find out whether the sureties are solvent or not.

3. The petitioners shall appear before the Investigating Officer on all Mondays and Thursdays between 10.00 and 11.00 a.m until final report is filed.
4. The petitioners shall not enter the limits of Peringome Vayakkara Panchayath in Kannur District for a period of three months except for the purpose of appearing before the court/investigating officer.
4. The petitioners shall not indulge in any offence while on bail.
5. The petitioners shall not influence or intimidate the witnesses or meddle with the investigation in any manner.

If any of the above conditions is breached by the petitioners, the learned Magistrate is free to cancel bail without referring the matter to this Court.

**Sd/-
A.HARIPRASAD,
JUDGE.**

//True copy//

amk

P.A to Judge